

**Remarks**

The instant Office Action dated August 5, 2008, notes the following rejections: claim 8 stands rejected under 35 U.S.C. § 112(1); claim 8 stands rejected under 35 U.S.C. § 101; and claims 1-19 stand rejected under 35 U.S.C. § 102(e) over the Klemets reference (US Patent Pub. 2003/0236912). Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Applicant submits that the § 112(1) rejection of claim 8 is moot because claim 8 no longer recites a signal-bearing medium. Thus, Applicant requests that the § 112(1) rejection of claim 8 be withdrawn. Applicant notes that support for claim 8 as amended can be found, for example, in paragraph 0128 of Applicant's specification, which discusses a set of instructions (a computer program) that are stored on a data carrier such as a disk, which is an example of a computer readable medium.

Applicant respectfully submits that the § 101 rejection of claim 8 cannot stand because claim 8 is directed to statutory subject matter. According to M.P.E.P. § 2106.01:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. ... When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

In this instance, claim 8 recites a computer or processor readable medium that stores a set of instruction, that when executed by a processor or a computer, cause the process or the computer to carry out the method as claimed in claim 1; thus, claim 8 is directed to statutory subject matter as is consistent with M.P.E.P. § 2106.01. Accordingly, the § 101 rejection of claim 8 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 102(e) rejection of claims 1-19 because the cited portions of the Klemets reference do not correspond to the claimed invention which includes, for example, aspects directed to configuring a client so that it can decode all the streams within a set of streams, responsive to descriptions of each stream of the set of streams. The cited portions of Klemets teach that a client 106 receives a SDP message from

a server that includes a streaming media file header and a content description list (*see, e.g.*, paragraph 0044:1-8), the client 104 then decides which streams identified in the SDP message that it wants to select and sends a playback request for each selected stream in the client 106 (*see, e.g.*, paragraph 0045). Klemets, however, does not teach that the client 106 is configured to decode streams that were identified in the SDP message but that were not selected by the client 106 for playback. In other words, the client 106 is only configured to decode the selected streams, instead of configuring the client 106 to decode all of the streams identified in the SDP message (*e.g.*, all the streams within the set of streams).

In an effort to facilitate prosecution, Applicant has amended the claims to expressly recite that the set of streams includes at least one stream that is not part of the subset of streams. Applicant submits that this amendment is not intended to change the scope of the claims as the skilled artisan would have recognized that such aspects were already implicitly present in view of Applicant's disclosure. As discussed above, the cited portions of Klemets do not teach or suggest configuring the client 106 to decode streams that are not selected by the client 106 for playback.

In addition, the cited portions of Klemets do not correspond to aspects of the claimed invention directed to playing all of the streams within the set of streams. As discussed above, the cited portions of Klemets teach that only the streams selected by the client 106 for playback are played (*i.e.*, all of the streams identified in the SDP message are not played by the server 104). *See, e.g.*, paragraph 0045. Moreover, the cited portions of Klemets do not correspond to aspects of the claimed invention directed to muting all the streams within the set of streams except a subset of streams. The cited portions of Klemets (*i.e.*, paragraphs 0031, 0032, 0041, 0044 and 0045) do not mention any muting of streams.

In view of the above, the cited portions of the Klemets reference fail to teach or suggest several aspects of the claimed invention. Accordingly, the § 102(e) rejection of claims 1-19 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 102(e) rejection of claims 2, 5, 12, 16 and 19 because the cited portions of Klemets do not correspond to aspects of the claimed invention directed to the muting of all the streams except the subset of streams being performed by the server responsive to a request from the client in accordance with the MUTE/UNMUTE extension of the Real Time Streaming Protocol (RSTP). As discussed above, the cited

portions of Klemets do not teach muting streams. *See, e.g.*, paragraphs 0031, 0032, 0041, 0044 and 0045. Klemets further fails to make any mention of the client 106 issuing a RSTP MUTE/UNMUTE request to the server 104. Accordingly, the § 102(e) rejection of claims 2, 5, 12, 16 and 19 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 102(e) rejection of claims 10, 14 and 17 because the cited portions of Klemets do not correspond to aspects of the claimed invention directed to the client including a plurality of decoders each of which is configured to decode one of the streams of the set of streams. As discussed above, the cited portions of Klemets do not teach configuring client 106 to decode all of the streams that are identified in the SDP message. *See, e.g.*, paragraphs 0044:1-8 and 0 045. Klemets further fails to make any mention that the client 106 includes a plurality of decoders each of which is configured to decode one of the streams identified in the SDP message. Accordingly, the § 102(e) rejection of claims 10, 14 and 17 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 102(e) rejection of claim 11 because the cited portions of Klemets do not correspond to aspects of the claimed invention directed to selecting a second subset of the streams and decoding the second subset of streams by the client, responsive to a change in the measured bandwidth of the network. The cited portions of Klemets do not teach selecting different streams identified in the SDP message responsive to a change in the measured connection bandwidth to the server 104. Specifically, Klemets teaches measuring the connection bandwidth to the server 104 and that the client 106 can select streams for playback from the streams identified in the SDP message based on the measured bandwidth. *See, e.g.*, paragraph 0044. Klemets, however, does not mention switching from the selected streams to a different set of streams responsive to a change in the measured connection bandwidth to the server 104. Moreover, as is consistent with the cited teaching of Klemets, Applicant submits that client 106 would need to be reconfigured in order for the client to decode a different set of streams from those which were initially selected by the client for playback. *See, e.g.*, paragraph 0045. Accordingly, the § 102(e) rejection of claim 11 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (408) 474-9068.

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